

Senate Bill 397

By: Senators Goggans of the 7th, Thomas of the 54th, Stephens of the 27th, Balfour of the 9th, Unterman of the 45th and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to requirements for transmitting prescriptions electronically or via facsimile; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, is amended by striking paragraphs (1) and (5) of subsection (c) and inserting in their respective places the following:

"(1) Electronically transmitted prescription drug orders shall be transmitted by the practitioner or, in the case of a prescription drug order to be transmitted via facsimile, by the practitioner or the practitioner's agent under supervision of the practitioner, to the pharmacy of the patient's choice with no intervening person or intermediary having access to the prescription drug order. For purposes of this paragraph, 'intervening person or intermediary' shall not include a person who electronically formats or reconfigures data or information for purposes of integrating into and between computer systems of practitioners and pharmacists;"

"(5) An electronically encrypted, issued, or produced prescription drug order transmitted from a practitioner to a pharmacist shall be considered a highly confidential transaction and the said transmission, issuance, or production shall not be compromised by unauthorized interventions, control, change, altering, manipulation, or accessing patient record information by any other person or party in any manner whatsoever between the time after the practitioner has electronically transmitted, issued, or produced a

1 prescription drug order and such order has been received by the pharmacy of the patient's
2 choice. For purposes of this paragraph, 'unauthorized interventions, control, change,
3 altering, manipulation, or accessing patient record information' shall not include
4 electronic formatting or reconfiguring of data or information for purposes of integrating
5 into and between computer systems of practitioners and pharmacists;"

6 SECTION 2.

7 All laws and parts of laws in conflict with this Act are repealed.